

207

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-53530-2022****Date of Decision: 23.03.2023**

Ramandeep Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. N.P.S. Hira, Advocate for
Mr. Fariad Singh Virk, Advocate for
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.111 dated 12.10.2022, under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Banur, District Patiala (Annexure P-2).

On 12.01.2023 the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.111 dated 12.10.2022, registered under Sections 406 and 420 of the Indian Penal Code, 1860, at Police Station Banur, District Patiala (Annexure P-2).

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the case on the basis of statement of complainant-Harwinder Singh, whereas, no offence is made out against her. It is submitted that complainant-Harwinder Singh along with Chanpreet Singh, approached the petitioner with aspiration to study abroad and hence, the petitioner informed the complainant and Chanpreet Singh that Universities in Ukraine are providing study viza and accordingly, both the complainant and Chanpreet Singh agreed to the proposal of the petitioner and later on, the petitioner got

prepared file for study viza in Ukraine. Thereafter, the Ministry of Education and Science of Ukraine invited the complainant vide Invitation letter No.0000313196 dated 01.03.2021 to pursue his study at Odesa State Agrarian University situated at Odesa city at Ukraine along with candidate namely, Chanpreet Singh son of Gurnit Singh r/o Village Jhansli, Police Station Banur, District Patiala and the Flight Tickets of both were booked for 31.03.2021 by the petitioner. It is submitted that on 31.03.2021, complainant-Harwinder Singh and Chanpreet Singh, both missed the flight because of not reaching the New Delhi Airport on time and due to their own negligence and the reasons best known to them. However, after few days, the petitioner again booked flight tickets for Chanpreet Singh and he successfully boarded on his flight to Ukraine, who is currently pursuing his studies abroad. It is submitted that now the complaint is trying to implicate the petitioner in a false case in order to grab money from her. Learned counsel further submits that nothing is to be recovered from the petitioner and except the present case, no other case is pending against her. He also submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure, has wrongly been dismissed by learned Additional Sessions Judge, Patiala, vide order dated 09.11.2022. It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency. Notice of motion.

On the asking of the Court, Mr. Vinay Kumar Gupta, Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for bail on the ground that she had duped the complainant of Rs.5,50,000/- on the pretext of sending him abroad.

List on 09.03.2023.

In the meanwhile, in the event of arrest of the petitioner, she shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, she shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day."

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Jaswinder

Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that her custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 12.01.2023 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

23.03.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No